

Application S/N 10/688,377  
Amendment Dated: August 9, 2005  
Response to Office Action dated: April 19, 2005

CE11587R

### REMARKS/ARGUMENTS

Applicant has added new Independent claim 28 and new Dependent claims 29 and 30. Claims 1-30 are pending in the application. In the Office Action, claims 1-5, 9, 10, 13-16, 18, 19 and 21-24 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0147008 to Kallio (Kallio). Claim 1 was also rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0087307 to Ibe (Ibe). In addition, claims 11, 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio in view of U.S. Patent Application Publication No. 2004/0097230 to Natarajan, et al. (Natarajan). Claim 17 was rejected 35 U.S.C. 103(a) as being unpatentable over Kallio in view of U.S. Patent Application Publication No. 2005/0059400 to Jagadeesan, et al. (Jagadeesan). Finally, claims 6-8, 12, 20 and 25 were objected to as being dependent upon a rejected base claim.

A brief summary of the Kallio and Ibe references may be helpful here. Kallio describes a method and system for seamless mobility between GSM networks and different radio networks, such as wireless local area networks (WLAN). In particular, Kallio notes that when a mobile station (MS) enters a WLAN, the MS establishes communication with the WLAN and receives GSM cell information messages from the WLAN. If the GSM cell information is an accurate match and the WLAN receive level thresholds comparison indicates that the WLAN cell should be selected, the MS makes a location update attempt via the WLAN; otherwise, no location update attempt is made. If the location update is accepted, the MS selects the WLAN and disconnects the GSM network (see paragraph 0036). Although this process describes the handover from

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GSM to WLAN, a very similar process occurs for handover from GSM to WLAN (see paragraph 0040). In either case, the threshold comparison concerns measuring present or current signal levels from the WLAN or GSM.

Ibe describes a method of seamless roaming between WLANs and cellular carrier networks. Specifically, a dual-mode mobile device originates a call within a WLAN. As the user moves closer to the edge of the network, the signal quality begins to degrade. The mobile device has the capability to monitor the signal quality by measuring the signal-to-noise ratio (SNR). It is known that if the SNR reaches some threshold value "d," the voice quality becomes acceptable. The goal, as explained by Ibe, is to prevent the call quality from degrading to this point. Thus, when the SNR drops to a cutoff value "r," where "r" > "d," the system initiates a handoff with the objective of completing the handoff procedure before the SNR reaches the threshold value "d" (see paragraphs 0018 and 0019). Similar to Kallio, the threshold comparison, or comparing the SNR level to "r," is based on current or present SNR.

Original independent claims 1 and 21 both include steps where the quality of service at some time in the future is determined. This feature is different from merely measuring current or present signal levels to determine that a handoff from one network to another is needed. Neither Kallio nor Ibe describe, mention, illustrate, show or even suggest such the concept of determining future quality of service values, as those references only teach comparing current signal levels with predetermined thresholds to see if it is necessary to perform a handoff. In fact, the present invention permits a handoff point to be projected and estimated with sufficient lead time to allow an orderly and effective handoff from a WLAN to a wide area network (WAN). Such a concern is

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not addressed in Kallio or Ibe. New independent claim 28 also recites the limitation of determining a quality of service level in the future in a communication device capable of operating in both a WLAN and a WAN. Support for the new claim can be found in paragraphs 0021-0028. No new matter has been added in view of this new claim.

In view of the above, Applicant believes that independent claims 1 and 11 are patentable over the prior art. Applicant also believes that those claims that depend from independent claims 1, 21 and 28 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department – MD 1610  
8000 W. Sunrise Blvd.  
Plantation, FL 33322

Customer Number: 24273

By: 

Larry G. Brown  
Attorney of Record  
Reg. No.: 45,834

Telephone: (954) 723-4295  
Fax No.: (954) 723-3871